

Case 09-17282-bam Doc 72 Entered 01/22/10 13:13:10 Page 1 of 39
** SECTION 362 INFORMATION SHEET **Ronald Hatcher and Debra Hatcher
DEBTOR(S)Chapter 13
Case No.: 09-17282-bam

U.S. Bank, N.A.

MOVANT

PROPERTY INVOLVED IN THIS MOTION: 7364 Salvador Place, Las Vegas NV 89113

NOTICE SERVED ON: Debtor(s) x ; Debtor (s) Counsel x ; Trustee x

DATE OF SERVICE: _____

MOVING PARTY'S CONTENTIONS:

The EXTENT and PRIORITY of LIENS:

1st U.S. Bank, N.A. (PB \$619,194.80)2nd Wells Fargo (PB \$73,154.00)3rd GECCCC (PB \$33,933.00)

Other IRS (PB \$2,500.00)

Total Encumbrances: \$728,781.80

APPRAISAL or OPINION as to VALUE:

"Per attached Schedule "A" \$425,654.00

TERMS OF MOVANT'S CONTRACT
WITH THE DEBTOR

Amount of Note: \$585,233.00

Interest Rate: 6.5

Duration: 30 Year

Payment Per Month: \$ 4,582.33

Date of Default: June 1, 2009

Amount of Arrearages: \$39,041.76

Date of Notice of Default: March 6, 2008

SPECIAL CIRCUMSTANCES: I, Gregory L.

Wilde, hereby certify that an attempt has been made to confer with debtor(s) counsel, or with debtor(s) and that more than two (2) business days have expired, and that after sincere effort to do so, counsel has been unable to resolve this matter without court action.

SUBMITTED BY: JL SIGNATURE: JL DEBTOR'S CONTENTIONS:

The EXTENT and PRIORITY of LIENS:

1 st	<u>619,194⁸⁰</u>
2 nd	<u>73,154⁰⁰</u>
Total Encumbrances: \$ <u>33,933.⁰⁰</u> <u>728,781⁸⁰</u>	

APPRAISAL or OPINION as to VALUE:

425,654⁰⁰OFFER OF "ADEQUATEPROTECTION" FOR MOVANT:

*Current arrears thru an
APD
Make next monthly
payment timely
Stay current*

SPECIAL CIRCUMSTANCES:

SUBMITTED BY: JL SIGNATURE: JL

1 NEWARK & NEWARK LAW FIRM
 2 RICHARD C. NEWARK, ESQ.
 2 Nevada Bar #002763
 3 NARRAH F. NEWARK, ESQ.
 3 Nevada Bar #008201
 4 201 Las Vegas Blvd, S., #350
 4 Las Vegas, NV 89101
 5 (702) 888-2525
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 6 E-mail: BK@nnbklaw.com
 6 Attorneys for Debtor(s)

E-Filed on February 5, 2010

7 **UNITED STATES BANKRUPTCY COURT**

8 **DISTRICT OF NEVADA**

9 In re:) Chapter 13
 10 RONALD HATCHER) Case No. 09-17282-bam
 10 DEBRA HATCHER)
 11 Debtor(s).)
 12) DATE: 2/23/2010
 12) TIME: 1:30 p.m.

13 **OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY**

14 COMES NOW, the Debtors, RONALD HATCHER and DEBRA HATCHER, by and
 15 through their attorneys, NARRAH F. NEWARK of NEWARK & NEWARK LAW FIRM, and
 16 respectfully request this Court to deny the MOTION FOR RELIEF FROM THE
 17 AUTOMATIC STAY filed by US BANK NA, by and through its attorneys, GREGORY L.
 18 WILDE of WILDE & ASSOCIATES and TIFFANY & BOSCO.

19 **POINTS AND AUTHORITIES**

20 11 USC Section 362 (d) (1) states that the Court may terminate, modify or condition
 21 stay

22 "for cause, including the lack of adequate protection of an
 22 interest in property of such party in interest;---"

23 11 USC Section 362 (d) (2) the Court may terminate, modify or condition a stay

24 "with respect to a stay of an act against property under
 25 subsection (a) of this section, if-

- 26 (A) the debtor does not have an equity in such
 26 property AND
- 27 (B) such property is not necessary to an effective
 28 reorganization

STATEMENT OF FACTS

2 Debtors' property has liens of approximately \$728,781.80 for the property located
3 at 7364 Salvador Place, Las Vegas, NV 89113, and the home is necessary for an
4 effective reorganization. Debtors believes that they may have minimal equity in the
5 property.

6 || 11 USC Section 362 (d) (1) may apply as:

7 1. Debtors acknowledge that if they are late on the post petition mortgage
8 payments, she will need some time to acquire the necessary funds to cure all post-petition
9 arrearages.

10 2. Debtors' intention is to stay current on future post-petition mortgage
11 payments.

12 THEREFORE, Debtors request that the motion filed be denied under 11 USC
13 Section (d) (1) or (2), and that any action on creditor's behalf be stayed for an adequate
14 amount of time to allow Debtors to become current on the post petition mortgage
15 arrearages, if necessary, and/or to Stipulate to an Order Re Adequate Protection.

Respectfully submitted:

NEWARK & NEWARK

By: /s/ NARRAH F. NEWARK
NARRAH F. NEWARK, ESQ.
NB#008201
Attorney for Debtor(s)

**CERTIFICATE OF MAILING OF OPPOSITION TO MOTION
FOR RELIEF FROM AUTOMATIC STAY**

I hereby certify that on February 5, 2010, I faxed and mailed a true and correct copy by facsimile and by first class mail, postage prepaid, to the below named the OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY:

US Bank
c/o Greg Wilde, Esq.
Wilde & Associates
208 S. Jones
Las Vegas, NV 89107
VIA FACSIMILE & ECF

Rick Yarnall, Trustee
701 E Bridger #820
Las Vegas, NV 89101
VIA ECF

Ronald and Debra Hatcher
7364 Salvador Place
Las Vegas, NV 89113

/s/ Betsy L. Smith
An employee of NEWARK & NEWARK LAW FIRM